

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 3:17-CV-2989

\$4,480,466.16 IN FUNDS SEIZED FROM
BANK OF AMERICA ACCOUNT ENDING
IN 2653;

\$146,370.00 IN FUNDS SEIZED FROM
BANK OF AMERICA ACCOUNT ENDING
IN 0252;

\$77,437.59 IN FUNDS SEIZED FROM
CHARLES SCHWAB ACCOUNT ENDING
IN 8588;

\$263.47 in FUNDS SEIZED FROM WELLS
FARGO ACCOUNT ENDING IN 2092;

\$9,668.28 IN FUNDS SEIZED FROM
BANK OF UTAH ACCOUNT ENDING IN
2251;

\$2,814.51 IN FUNDS SEIZED FROM
BANK OF UTAH ACCOUNT ENDING IN
8074;

A 2014 LAMBORGHINI AVENTADOR
(VIN ZHWUR1ZD0ELA02916);

A 2016 FERRARI 488 (VIN
ZFF80AMA0G0219421);

A 2017 BENTLEY CONTINENTAL GT V8
(VIN SCBFH7ZA0HC063118);

A 2017 MERCEDES-BENZ AMG S63 (VIN
WDDUG7JB4HA325733);

A 2016 MERCEDES-BENZ G63 (VIN
WDCYC7DF4GX258941);

A 2016 DODGE RAM 2500 (VIN
3C6UR5DL1GG314858);

A 2016 BMW ALPINA (VIN
WBA6DC6C54GGK18160);

REAL PROPERTY KNOWN AS 14888
LAKE FOREST DRIVE, DALLAS, TEXAS;

\$11,005.00 IN FUNDS SEIZED FROM
CAPITAL ONE ACCOUNT ENDING IN
2713

REAL PROPERTY KNOWN AS 195
NORTH 200 WEST, LOGAN, UTAH

REAL PROPERTY KNOWN AS 1408
WEST 2125 SOUTH, LOGAN, UTAH

Defendants *in rem*

**CLAIMANTS' RESPONSE IN OPPOSITION TO
UNITED STATES' MOTION FOR A PROTECTIVE ORDER**

Retail Ready Career Center, Inc. ("RRCC"), Jonathan Davis ("Davis"), Melissa Richey ("Richey"), Lake Forrest Drive Properties, Inc. ("Lake Forrest"), Clear Conscience LLC ("Clear Conscience), and Trades United Inc. ("Trades United") (collectively, the "Claimants") file this Response in Opposition to United States' Motion for Protective Order as follows:

**I.
PRELIMINARY STATEMENT**

In a transparent attempt to hide its increasingly obvious malfeasance from public scrutiny, the Government has requested that the Court seal the appendices filed by the Claimants in support of their motions for summary judgment. This case has proceeded in darkness long enough, and the Government's Motion should be denied because there is no basis for it whatsoever.

II.

ARGUMENTS AND AUTHORITIES

Federal Rule of Civil Procedure 5.2 requires redactions in only extremely limited circumstances.¹ In particular, only social security numbers, tax-payer-identification numbers, birth-dates, names of minors, and financial-account numbers need to be redacted.² None of the “personally identifiable information” referenced in the Motion for a Protective Order (“Motion”) is required to be redacted by Rule 5.2(a).³ Indeed, the information referenced in the Motion is commonly available in searchable databases and could hardly be considered confidential.⁴ Thus, there is no reason whatsoever to seal the entirety of Claimant’s appendices.

Indeed, it is fairly obvious why the Government wants the appendices sealed. The appendices show the world that the Government’s case is completely bogus. The Government would undoubtedly use the “sealed” nature of the appendices to file a “sealed” response which will further hide the bogus nature of the Government’s case. Sealing court records with no basis for doing so merely adds burdens to the filing of future briefs and is inconsistent with the open nature of the court system. The Motion should be denied.

¹ FED. R. CIV. P. 5.2(a).

² *See id.*

³ *See* United States Motion for A Protective Order (Docket No. 194) at 2 (referencing addresses, e-mail addresses, and phone numbers).

⁴ In a footnote, the Government also references account numbers appearing in Claimants’ bank statements. *See* Motion at 1, ¶ 3. Such information does not need to be redacted in a forfeiture case. *See* Fed. R. Civ. P. 5.2(b)(1). Moreover, Claimants can obviously waive confidentiality of their own bank statements. *See* Fed. R. Civ. P. 5.2(h).

III.
REQUEST FOR RELIEF

For the foregoing reasons, Claimants respectfully request that the Court deny the Motion and grant Claimants such other and further relief, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

By: /s/ Jack G. B. Ternan

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DRIVE PROPERTIES, INC., CLEAR
CONSCIENCE, LLC, AND TRADES UNITED,
INC.**

CERTIFICATE OF SERVICE

I certify that on November 21, 2018, I electronically filed the foregoing document with the Clerk for the United States District Court for the Northern District of Texas using the CM/ECF System, and that service of such filing will be made electronically on all counsel of record, including counsel for the United States of America, Beverly K. Chapman.

/s/ Jack G. B. Ternan
Jack G. B. Ternan